

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Case No. 12-md-02311

MDL NO. 2311

Hon. Marianne O. Battani

TELEPHONE CONFERENCE

BEFORE SPECIAL MASTER GENE J. ESSHAKI
ABBOTT NICHOLSON, P.C.
300 River Place Drive, Suite 3000
Detroit, Michigan
Tuesday, May 26, 2015

13 APPEARANCES:

14 || End Payor Plaintiffs:

15 STEVEN N. WILLIAMS
COTCHETT, PITRE & McCARTHY, L.L.P.
16 840 Malcolm Road
Burlingame, CA 94010
17 (650) 697-6000

Dealership Plaintiffs:

VICTORIA ROMANENKO
CUNEO, GILBERT & LaDUCa, L.L.P.
507 C Street NE
Washington, D.C. 20002
(202) 789-3960

To obtain a copy of this official transcript, contact:
Robert L. Smith, Official Court Reporter
(313) 964-3303 • rob.smith@mied.uscourts.gov

1 Appearances: (Continued)

2 For the Defendants:

3 ADAM CARDENAS HEMLOCK
4 **WEIL, GOTSHAL & MANGES**
5 767 Fifth Avenue
6 New York, NY 10153
7 (212) 310-8281

8 RONALD M. McMILLAN
9 **CALFEE, HALTER & GRISWOLD, L.L.P.**
10 1405 East Sixth Street
11 Cleveland, OH 44114
12 (216) 622-8698

13 MARGUERITE M. SULLIVAN
14 **LATHAM & WATKINS, L.L.P.**
15 555 Eleventh Street NW, Suite 1000
16 Washington, D.C. 20004
17 (202) 637-2200

18
19
20
21
22
23
24
25 (Listed appearances are only those attorneys making oral
 argument on the record before Special Master Esshaki.)

1 Detroit, Michigan

2 Tuesday, May 26, 2015

3 at about 1:59 p.m.

4

— — —

5 MASTER ESSHAKI: Good afternoon. This is
6 Gene Esshaki. I don't need to take roll call. I am going to
7 ask who is going to be addressing the issues on behalf of the
8 defendants?

9 MR. WILLIAMS: Special Master, Steve Williams.

10 I apologize, but there were some people ringing in
11 and we weren't able to hear the end of your sentence.

12 MASTER ESSHAKI: I'm sorry, Steve. I was simply
13 saying -- and this is going to continue. When I checked in
14 there were 19 people on the line so we're probably up to 30
15 right now but this will continue for a while.

16 What I'm saying is I'm not going to take a roll
17 call, there is no need to take a roll call, I would simply
18 like to know who is going to be speaking on behalf of the
19 defendants?

20 MS. SULLIVAN: Master Esshaki, Marguerite Sullivan
21 from Latham & Watkins.

22 I will be speaking on behalf of the wire harness
23 defendants and all defendants on some of the issues.

24 MASTER ESSHAKI: Okay. Ms. Sullivan, is there any
25 way you can raise the volume on your phone or speak louder?

1 other cases and any objections to that motion can be brought
2 to you, Special Master, for resolutions.

3 MASTER ESSHAKI: Ms. Sullivan, your thoughts about
4 that? Mr. Williams has suggested that there will be a single
5 protocol on auto dealers and end payor plaintiffs, there will
6 be a wire harness protocol, then there will be a protocol on
7 all other defendants -- I mean in all other parties and all
8 other cases.

9 MS. SULLIVAN: Master Esshaki, that is fine with
10 the wire harness defendants but I suspect there are other
11 defendants that may have something to say about the motion.

12 MR. HEMLOCK: Yes, Your Honor. This is
13 Adam Hemlock on behalf of the Bridgestone defendants, and we
14 are defendants in the anti-vibration parts case.

15 If I may just make a point about the single
16 protocol that we are discussing that would relate to the
17 non-wire harness action, and I think there is now a little
18 bit of confusion regarding this point in part because I
19 think, Your Honor, when the term template was used at the
20 hearing the understanding that I and I believe others had was
21 that template meant kind of a base document that would be the
22 basis for the tweaks that you had mentioned at the hearing
23 but that invariably each case was going to have some unique
24 issues.

25 You know, I will cite, for example, the number of

1 depositions of the defendants may be different in different
2 cases. Each case has a different number of defendants, a
3 different number of entities in each defendant group, some
4 cases there are many conspirators or alleged co-conspirators,
5 and in some there are few, and there are other distinctions,
6 Your Honor, not just between the wire harness cases and every
7 other case but between each case, and I think what the
8 understanding had been was that perhaps the wire harness
9 protocol would be a template, meaning kind of a foundation
10 document upon which other -- the other orders might be
11 negotiated, but frankly for the same reason, Your Honor, that
12 you may see distinctions or necessary tweaks between the wire
13 harness order and others, I think those distinctions will
14 exist in all of the other ones.

15 For example, in the wire harness order, Your Honor,
16 there are unique provisions dealing with Leoni. Now, being
17 in the wire harness case and it is completely different
18 parties and it is a completely different case so I don't know
19 the origin, but clearly there was some reason why there was a
20 specific provision put in place for Leoni and I think we can
21 reasonably anticipate, Your Honor, that there would be
22 similar unique circumstances in the others and I for one and
23 other members of the defense group understood those were the
24 kinds of tweaks you were talking about.

25 Now, forgive me if I may, we recognize plaintiffs

1 I don't want to negotiate all 29, while I understand, but on
2 the other hand each case is a separate case and I think when
3 you had talked about using wire harness as a template I think
4 part of the understanding I had, Your Honor, and I'm just
5 speaking for myself, was that you certainly were not going to
6 view positively any effort by the defendants to completely
7 reopen every point in each -- in that order for every case
8 that came afterwards, and to some extent by styling it as a
9 template I think we had interpreted that as kind of an effort
10 to discipline to some extent any effort subsequently to
11 reopen every part of it, but as I noted, there are certain
12 things, such as the number of depositions, the locations and
13 other unique issues that will necessarily have to be tweaked
14 for each case, and I think that's what we understood. Let me
15 stop there for a moment and --

16 MASTER ESSHAKI: Yes, and, Mr. Hemlock, let me just
17 say you've given a great argument against a motion that has
18 not yet been filed.

19 MR. HEMLOCK: Well, thank you, Your Honor, that's
20 better than nothing.

21 MR. WILLIAMS: Master Esshaki, it's Steve Williams.

22 Could I respond and perhaps finish that thought?

23 MASTER ESSHAKI: Mr. Williams, Mr. Williams, I know
24 a very famous judge who says sometimes when you're winning
25 you just have to sit down.

1

CERTIFICATION

2

I, Robert L. Smith, Official Court Reporter of
the United States District Court, Eastern District of
Michigan, appointed pursuant to the provisions of Title 28,
United States Code, Section 753, do hereby certify that the
foregoing pages comprise a full, true and correct transcript
taken in the matter of IN RE: AUTOMOTIVE PARTS ANTITRUST
LITIGATION, Case No. 12-md-02311, on Tuesday, May 26, 2015.

10

11

12

s/Robert L. Smith

Robert L. Smith, RPR, CSR 5098
Federal Official Court Reporter
United States District Court
Eastern District of Michigan

15

16

17

18

19

20

21

22

23

24

25

Date: 05/28/2015

Detroit, Michigan